



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,458	12/19/2000	Christopher L. Wong	021756-019600US	8837

51206 7590 07/06/2009  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
----------

FEENEY, BRETT A

ART UNIT	PAPER NUMBER
----------	--------------

3624

MAIL DATE	DELIVERY MODE
-----------	---------------

07/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/742,458	<b>Applicant(s)</b> WONG ET AL.	
	<b>Examiner</b> BRETT FEENEY	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 06/08/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65 and 68 is/are pending in the application.
- 4a) Of the above claim(s) 71-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22, 25, 26, 30, 33, 35, 36, 41-54, 56, 57, 59, 62-65 and 68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of the Claims**

1. The following **NON-FINAL** Office Action is in response to Applicant's submission received 06/08/2008.
2. Claims 19, 41, 48, 53 – 54, 56 – 57, and 62 – 63 were amended. Claims 71-73 were withdrawn without traverse. Claims 27, 55, 58, 61 and 67 were canceled. No new claims were presented.
3. Claims 19-22, 25-26, 30, 33, 35-36, 41-54, 56-57, 59, 62-65 are 68 are pending and have been examined.

### **Continued Examination under 37 CFR 1.114**

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/08/2009 has been entered.

### **Response to Amendment**

5. Applicant's amendments to claim(s) are herein acknowledged. As a result, the Examiner withdraws the previous rejection under § 112 because claims 27 and

58 were cancelled. In response to the amendments to the claims, the Examiner has withdrawn the previous rejection under § 103 and has entered a new rejection under § 103.

### **Response to Arguments**

6. Applicant's arguments received on February 10, 2009 have been fully considered but are moot in view of the new ground(s) of rejection. However, in an effort to elucidate the applicability of the selected prior art, the Examiner has provided a riposte to the Applicant's arguments.
7. Applicant's arguments filed have been fully considered but are not found persuasive. Applicants argues:
  - i) The resumes in Joao would not be automatically updated.
  - ii) Timesheets taught by Knudson are distinct from resumes.
  - iii) There is not motivation to update a resume substantially daily about work performed by a contractor.

In response to Applicant's argument that resumes taught by Joao would not be automatically updated, the Examiner respectfully disagrees. See **Claim 41** *infra* wherein the Examiner notes Joao explicitly discloses updating contractor information based on jobs worked, skills acquired/used, etc. The system and method taught by Joao is directed towards efficaciously matching contractors and employers including maintaining an up-to-date database with employer and contractor information.

Art Unit: 3624

Therefore, updating the working status (i.e. availability), skills and the like of a contractor and available jobs allows for contractors to remain gainfully employed and for employers to employ the best suited contractor(s) for projects.

In response to Applicant's argument that timesheets taught by Knudson are distinct from resumes, the Examiner respectfully disagrees. The timesheets taught by Knudson are not simply used to ensure that an employee is paid (as alleged by Applicant); rather the timesheet is used to track the tasks performed by the contractor. Tracking job performance has at least a two-fold applicability. First, employers (project managers) can track the progress of a project such that they can (re-)allocate resources, plan future projects and maintain project scope, time and budget. Second, it allows employers (and employees) to track abilities of those performing the projects in respect to timeliness, level of expertise, etc. Therefore, the timesheets taught by Knudson provide a means for updating the contractor(s) resume(s) taught by Joao, as information is entered in timesheets.

In response to Applicant's argument that there is not motivation to update a resume substantially daily about work performed by a contractor, the Examiner respectfully disagrees. The Examiner notes that depending on the scope of the project or task performed by the contractor, information is updated hourly, daily, weekly, etc. Certain tasks are monitored at high levels of granularity, especially when they are on the critical path. In conventional project management, where multiple contractors are working on tasks and subtasks of a project, as work is completed by a contractor, the task or sub-task is noted as completed and the project timeline is updated accordingly.

Art Unit: 3624

Further, it is recorded that the contractor completed the task and therefore the contractor may then be assigned to a subsequent task or project. For example, in a software development environment, where a contractor completed a certain programming task, information is recorded that the contractor has performed that task and the contractor information is updated as having experience with that particular programming. Further, after a contractor has received training in a type of programming language, the contractor's information is updated accordingly. Then the contractor is able to be assigned to similar programming tasks. See Joao FIG 10H and associated text; noting information including skills, education, etc. are updated.

### **Rejections under § U.S.C. 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 19-22, 25-26, 30, 33, 35-36, 41-49, 52-54, 56-57, 59 and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (US 6,662,194), in view of Knudson et al. (US 5,765,140), further in view of Puram et al. (US 6,289,340).

**Claim 41**

Joao discloses a method for workforce procurement and management using a hosted network application, the method comprising:

- *receiving, into a requirement function from a client, a plurality of staffing requirements for a project* (see column 5, lines 4-11; noting “[e]mployers and/or other hiring entities can post and/or list information regarding jobs, employment positions, temporary positions, assignments, freelance assignments, contracting assignments and/or jobs, as well as other assignments, projects and/or efforts...”);
- *matching a plurality of resumes of a plurality of contractors to the plurality of staffing requirements for the project, wherein the contractors are made available to be hired for the project* (see column 5 lines 12-16; noting contractors provide “information regarding themselves”. Further, see FIG 10H and associated text in column 14, lines 46-60; noting "Individual data and information" comprises a profile that includes all information included in a resume, cover letter, background checks and the like. Further see column 6, lines 14-16; noting that matching of contractors and employers may be performed automatically. Further, see column 7, lines 51-55; noting the method provides for notifying contractors and employers when there is a match and "when same become available".);
- *collecting, into a work journal function, performance information about work performed on the project by a hired contractor and automatically updating the*

Art Unit: 3624

*resume of the contractor with the performance information (see column 17, lines 24-39; noting the contractor's information contained within the database is updated after each job. Further, see column 17, lines 40-51; noting compensation, skill, performance and other data are stored in the database);*

- *whereby the resume contains current information for the contractor for matching with an additional staffing requirement for an additional project (Id. Noting that the updated contractor information may be used for matching future projects.);*
- *the collected information capable of including entries submitted by coworkers, subordinates, and other hiring managers of the contractor (Id. Noting that the information is capable of including 360 degree feedback.);*
- *the performance information including at least one of new skill level information for the hired contractor obtained on the project and new skills obtained by the hired contractor on the project (Id. Noting the updated information for the contractor includes "experience levels, skill levels, skills and abilities", etc.);*
- *such that the resume for the hired contractor remains current with skill, experience, and review information for the hired contractor, the performance information about work performed on the project by the hired contractor being collected [substantially daily] (Id.) Joao does not disclose that the contractor's information is updated daily however, in analogous art Knudson does (see column 6, lines 10-14, 48-51 and 62-67; column 7, lines 15-25 and 30-47; column 9, lines 30-31; noting an assignments table is used to maintain assigned tasks for users including the description of the task and the identity of the user*



Art Unit: 3624

responsible for completing the task. Additionally, users update the assignments table through their timesheets (which are used to log work completed, sick/vacation days, etc. on a "periodic basis"), in which they enter the expended time for each of their assigned tasks. The task information entered by users includes performance information relating to actual versus planned work progress and the time information is automatically fed back to the project management tool and the assignments table maintained in the master database, where the project management tool is used to assign resources/workers to projects and tasks (see column 4, lines 55-59; column 5, lines 44-53). While Knudson explicitly teaches logging daily activities and updating work profiles "periodically". In an exemplary embodiment, Knudson explicitly discloses updating profiles "weekly". However, regardless of the level of granularity or periodicity that the work profiles are updated, the result would be the same: providing an updated profile for the contractor and the employer.

The Examiner notes that while the method for workforce procurement and management using a hosted network application taught by Joao is "capable of including entries submitted" others; Joao does not explicitly disclose providing entries submitted by others. However, in analogous art, Puram does (see at least FIG 2 and FIG 7 and associated text in column 4, lines 54-67; noting "third-party assessor enters the skill levels". It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao with the step of updating contractor's skills

Art Unit: 3624

periodically taught by Knudson with the step of updating contractor's profiles by feedback received from others taught by Puram because updating skills, availability and the like of contractors allows employers and contractors to be appropriately matched thereby maximizing contractor utilization and ensuring work is completed efficaciously.

#### **Claim 42**

Joao/Knudson/Puram teaches the limitations above. Furthermore Knudson teaches:

- *receiving a review of the work performed on the project by the hired contractor* (see column 7, lines 15-25; noting "approving manager who has security access to the time sheer data and is required to review the time sheets").

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Knudson/Puram with the step of reviewing the work performed by the hired contractor because reviewing ensures that contractors are not billing for work that was not completed, not completed per terms of the contract, etc. thereby ensuring that companies do not waste money paying contractors for uncompleted or unacceptable work.

#### **Claim 43**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

Art Unit: 3624

- *tracking expenditures on the project with a settlement function* (see column 34, lines 33-46; noting financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects. Further, see column 10, lines 31-37; noting "payment from one party to another, and/or receive a payment for, and/or on behalf of, a party.").

#### **Claim 44**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *analyzing the performance of the hired contractor and reporting the analysis the analysis function monitoring an event of the workforce procurement and management application the reporting function notifying a participant in the hosted workforce procurement and management process based on the event* (see column 22, lines 42-53; Further see column 25, line 66-col. 26, line 10; noting, reports are provided to both, contractors seeking jobs, as well as employers seeking contractors. Further, see column 23, lines 35-52; noting "if ... the employer is interested in pursuing discussions" [monitored event occurs], the computer system will "notify the individual by transmitting a message" [notification occurs]).

#### **Claim 45**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

Art Unit: 3624

- *reporting expenses incurred on the project (Id. at **Claim 41**. Further see column 34, lines 33-46; noting financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects.). Joao also discloses creating reports on contractor and employer data, which is stored in the database(s) (see column 22, lines 42-53; column 25, line 66-col. 26, line 10; The system provides reports to both, contractors seeking jobs, as well as employers seeking contractors.). Joao does not expressly disclose an expense reporting function, however Knudson does (see FIG 3 and associated text noting "Track Cumulative Labor Cost" and "Report Funding Progress"). It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Knudson/Puram with the step of reporting expenses taught by Knudson because creating reports allows managers to quickly and efficiently review data.*

#### **Claim 46**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *wherein the staffing requirement includes a list of suppliers and skills for the project (see column 25, lines 25-31; column 25, line 66-col. 26, line 10; noting reports to employers seeking contractors includes a list of contractors that match the employers' staffing requirements, including skills.).*

**Claim 47**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *receiving a sourcing for the project and managing a hiring process including sourcing, interviewing, and negotiation with a transaction management function* (see column 24, lines 37-49; column 25, lines 24-30; column 39, line 61-col. 40, line 3; Employers indicate their requirements for projects as well as the hiring process.).

Joao does not explicitly disclose receiving “*preference and a set of rules*” *per se*, however, Puram does (see column 6, lines 54-65; noting “global rules or preferences”). It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Knudson/Puram with the step of providing rules or preferences taught by Puram because when automatically matching employers and contractors the computer programs operate faster given rules for assignment, thereby improving the speed and efficiency of matching a large number of contractors and employers.

**Claim 48**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *wherein the client is an employee of an enterprise, a recruiter who sells a service of finding contractors, or a staffing supplier who sells a service of finding contractors, wherein the different participants have varying levels of access to*

Art Unit: 3624

*the hosted network application based upon attributes, wherein attributes include personal attributes associated with a participant and enterprise attributes associated with an enterprise using the hosted network application (see column 11, lines 45-67; noting Joao teaches a plurality of users. Further, see column 15, lines 1-22; noting the database contains personal information about the users. Further noting, access to the information may be restricted to certain users.).*

#### **Claim 49**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *wherein the matching comprises performing a search for a contingent position based upon criteria entered by a contractor, wherein the contingent position is associated with the project (see column 11, lines 45-67; column 20, lines 53-63; column 24, lines 37-49; col. 32, lines 30-38 and 47-51 ; Contractors search for contingent positions (or when practiced automatically by the computer, the computer selects individuals for that are contingently assigned to the position), in that the positions are conditional upon meeting the hiring requirements of the employer seeking to hire a contractor for a particular project.).*

#### **Claim 52**

Joao/Knudson/Puram teaches the limitations above. Furthermore Knudson teaches the method of claim 41, wherein the collecting of information into the work journal function comprises:

Art Unit: 3624

- *receiving hours worked by the hired contractor* (see FIG 4 and associated text; noting "Time Sheet" contains work hours worked by the contractor.);
- *receiving information as to the type of work done by the hired contractor* (*Id.* Noting, the "Time Sheet" contains information related to hours worked for each task "Task 1", "Task 2" and "Task 3".
- *receiving comments regarding work done by the hired contractor* (*Id.* Noting, "Review Time Sheets" includes comments regarding the validity of the received time sheet. Further, see *Id.* noting "Feedback to Project Plan(s)" includes comments regarding the work completed (and not yet completed) in respect to the project. Further see text in column 6, lines 55-67; noting "comments region in which user may provide suitable comments".);
- *receiving an approval of the work journal information* (*Id.* Noting, "Review Time Sheets" includes an approval function. Further see text in column 9, lines 39-60; noting "approval by approving managers identified in the TES/Admin module").

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Knudson/Puram with the step of collecting of information into the work journal function taught by Knudsen because keeping track of work performed by projects and personnel performing the work allows managers to make intelligent decisions for adapting project scope, planning future projects, etc. thereby saving time and money through improvements to project management.

### **Claim 53**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *automatically updating the resume of the hired contractor with data from the approved work journal (Id. at **Claim 41**. Noting, the contractors resume is automatically updated based on projects worked on, skills acquired, additional training received, etc.).*

### **Claim 54**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *receiving a plurality of resumes each for a different contractor matching more than one resumes to the staffing requirement for the project (Id. at **Claim 41**. see column 5 lines 12-16; noting contractors provide “information regarding themselves”. Further, see FIG 10H and associated text in column 14, lines 46-60; noting "Individual data and information" comprises a profile that includes all information included in a resume, cover letter, background checks and the like. Further see column 6, lines 14-16; noting that matching of contractors and employers may be performed automatically. Further, see column 7, lines 51-55; noting the method provides for notifying contractors and employers when there is a match and "when same become available". Joao discloses that employees are matched to employers based on “individual data and information” based on the needs of the employer and the information may be provided to the employer. The examiner notes that the “individual data” is analogous to a resume.)*



**Claim 56**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *wherein the matching comprises performing a search of the resumes of the contractors based upon the staffing requirement received from the client (Id.).*

**Claim 57**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *generating a work order based upon a successful match of a resume; receiving a review at a first level of the work order to determine whether to approve the work order; if the work order is not approved, returning the work order to a level below the first level; collecting data regarding the work order, approval, and failure to approve (see column 16, lines 33-50; noting the database contains information about the contractors who have been approved in advance to work for a specific employer as well as information about the contractors who have not been approved in advance to work for a specific employer.).*

10. Claims 50, 51, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (US 6,662,194), in view of Knudson et al. (US 5,765,140), further in view of Puram et al. (US 6,289,340), further in view of Richardson et al (US 7,069,229).

Art Unit: 3624

**Claim 50**

Joao/Knudson/Puram teaches the limitations above. Furthermore Joao discloses:

- *receiving a request for proposal (RFP) for a specification of the project, including a list of required contractors and their associated skills (see column 24, lines 37-49; column 32, lines 30-38; noting contractors and employers to submit offers and counteroffers to each other as well as have bidding for projects.);*
- *documenting terms and conditions of a project with a work order function and generating a purchase order in response to an approved work order with a purchase order function (see column 33, line 53-co1.34, line 11; noting the system maintains project-specific information such as project requirements, hiring and schedules. Further noting, the database maintains financial information associated with payment of contractors for work on a project. Thus, a work order can include a requirement to hire a contractor and the purchase order can include the offering of a job to a contractor.);*
- *facilitating the logistical components of a hiring process including management of blood testing, badging, and facilities with a logistics management function (see column 24, lines 34-49; noting employee screening and hiring processes.);*
- *managing the fulfillment of sourcing requirements, including maintaining a status of sourcing requirements with a fulfillment management function (see column 24, lines 37-49; column 25, lines 24-30; column 39, lines 33-39; column 39, line 61-col. 40, line 3; Employers indicate their requirements for projects as well as the*

Art Unit: 3624

hiring process. The system maintains status information as to whether a deal has been reached between a contractor and an employer.);

- *facilitating the pre-qualification of a contractor and a consultant and for monitoring compliance with government rules and regulations* (see column 24, lines 34-49; column 25, lines 25-31; column 40, lines 59-65; Employers enter requirements of contractors for certain projects. Potential contractors are screened to ensure they meet those requirements before they are hired.). Joao does not explicitly disclose a risk function per se, however, in analogous art Richardson does (see FIG 6 and associated text; noting “Risk Factor”).

It would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the method for workforce procurement and management using a hosted network application taught by Joao/Knudson/Puram with the step of calculating risk taught by Richardson because understanding the level of risk of projects not being completed timely due to unavailable resources allows companies to either mitigate the risk, create contingency plans and build buffers so that the adverse impact of changes in projects can be minimized.

### **Claim 51**

Joao/Knudson/Puram/Richardson teaches the limitations above. Furthermore Joao discloses:

- *generating a search based upon the request for proposal and the project specification* (see column 24, lines 36-49; noting the “computer will record and/or

Art Unit: 3624

store any and/or all data and/or information regarding and/or pertinent to the search”);

- *broadcasting at least part of the request for proposal to publicly accessible applications* (*Id.* Further, see column 24, lines 50-58; noting “data and/or information is transmitted [(i.e. broadcasted)] to and/or be stored in database(s)”);
- *receiving responses to the request for proposal* (*Id.* Noting, “offers, counteroffers, rejected offers”, etc. are responses.);
- *conducting bargaining based upon responses to the request for proposal including auctions and reverse auctions* (*Id.* Noting offers and counteroffers are an exemplary embodiment of bargaining.).

**Claims 19 – 22, 25, 26, 30, 33, 35 and 36** are directed to the system for practicing the method recited in the claims above. Therefore, claims 19 – 22, 25, 26, 30, 33, 35 and 36 are rejected for similar reasons. Further, the Examiner has noted that Joao explicitly discloses the following system components:

- *at least one web server operable to host applications* (see FIG 1 and associated text in column 3, lines 60-67; column 12, lines 9-19 and 27-31);
- *at least one database in communication with the web server and operable to store data for applications hosted on the web server* (see FIG 2 and associated text; noting the database); and

Art Unit: 3624

- *a workforce procurement and management application hosted on the at least one web server and operable to store data using the at least one database, the workforce procurement and management application including a plurality of modules accessible at varying levels to different participants in a hosted workforce procurement and management process (see FIG 2 and associated text in column 4, lines 8-12; column 5, lines 53-64; column 14, lines 28-45; column 15, lines 47-62; noting the system contains a database for maintaining contractor and employer information. Access to the information maintained in the database is limited by authorization.), the modules including:*
- *an exchange module (see column 20, lines 53-63; noting hiring entities use the system to search for contractors to fill positions for projects, and the system is "utilized by an employer ... in order to fill a job, a position, a project, and/or an assignment". Further see column 25, lines 25-31, noting "requirements concerning educational credentials, skills, work experience, objectives, and/or any other data and/or information pertinent to [] fulfilling [the employer's] needs". Further see column 18, lines 1-6, noting that multiple employers and individuals are stored in the database and a settlement function for tracking expenditures on the project (column 34, lines 33-46; The system maintains financial accounts for tracking payments (i.e., expenses) to individuals for work performed on projects.).*

Art Unit: 3624

**Claims 63 – 65 and 68 are directed to the computer readable medium for practicing the method of the claims above. Therefore, claims 63 - 65 and 68 are rejected for similar reasons.**

### **Conclusion**

The following references were not applied as prior art in the instant office action, however they are consider relevant to the instant application:

- Clark et al., (US 5,164,897), discloses a system of matching a plurality of employees to employers using the resumes and skill sets of employees and the required needs of employers.
- Kida (US 5,907,829), disclose a system and method for scheduling and monitoring the progress of tasks that need to be performed. Further, the method includes an evaluation of work that needs to be performed and is in the process of being performed. Further, the method includes a communication means for employers and contractors.
- Donnelly et al., (US 6,049,776), discloses a system and method for staffing projects.
- Barton (US 2002/0046074), discloses a system and method for matching and placing a plurality of employees with employers.
- Sanders et al., (US 6,574,605), discloses a system and method for managing workloads based on the needs of the customers and available resources.
- Arrowood (US 6,742,002), discloses a system and method for best fit staffing fo employees (particularly in the contract-type assignments).
- Loveland (US 6,810,383), discloses a system and method for assigning individuals to tasks and monitoring the performance of tasks.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Brett Feeney** whose telephone number is **571.270.5484**. The Examiner can normally be reached on Monday-Thursday, 7:30am-6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BRAD BAYAT** can be reached at **571.272.6704**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***  
**Washington, D.C. 20231**

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:



Application/Control Number: 09/742,458

Page 24

Art Unit: 3624

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/BRETT FEENEY/

Examiner, Art Unit 3624